FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Writ Petition No.5933 of 2005

Office NOtes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's order	Court or Judge's Order

CORAM: A.P.SHAH J.
8th September,2005

P.C.

. Petitioner and his Advocate are absent.

. Perused the order of the lower Appellate Court. It is seen from the record that the suit property was allotted to respondent no.7 by Collector and name of respondent no.7 alone appears in the column "cultivation" in 7/12 extract. Petitioner has failed to produce any material to show that the suit property is a joint family property as

pleaded by the petitioner. Respondent no.7 has filed an undertaking whereby he has agreed not to alienate or create any third party interest in respect of the suit property till decision of the suit. He has also given an undertaking that he will not ask for any equitable reliefs in respect of construction made by him over the suit property. The construction of the building is almost complete. In the circumstances, there is no reason to interfere with the order of the lower Appellate Court. Petition is dismissed.